

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ORANGEBURG DIVISION

David Keith Buff,	)	C.A. No. 5:11-234-TLW-KDW
	)	
Plaintiff,	)	
	)	
-versus-	)	ORDER
	)	
South Carolina Department of Corrections; Jon E. Ozmint,	)	
Director of South Carolina Department of Corrections;	)	
Current Unknown Director of South Carolina Department	)	
of Corrections; Elbert Pearson, Security Threat Group	)	
Coordinator; McKither Bodison, Warden; Wayne McCabe,	)	
Warden; Ralph Hunter, Associate Warden; Fred	)	
Thompson, Associate Warden; Eugene Skipper, Sergeant;	)	
Jamana Ravenell, Caseworker,	)	
	)	
Defendants.	)	
	)	

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The Plaintiff has brought this *pro se* action against the Defendants under Title 42, United States Code, Section 1983. This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Kaymani D. West, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge West recommends that the Defendants’ Motion for Summary Judgment (Doc. # 43) be GRANTED, and that this case be dismissed. (Doc. # 66). The Report also notes that if the Recommendation is accepted, that Defendants’ Motion to Strike Plaintiff’s Sur-Reply and Plaintiff’s Response (Docs. # 56, 57) and Plaintiff’s motion for leave to file (Doc. # 63) will be MOOT. The Plaintiff has filed objections to the Report. (Doc. # 68).

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

**THEREFORE, IT IS HEREBY ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 66); Plaintiff's objections are **OVERRULED** (Doc. # 68); Defendants' Motion for Summary Judgment (Doc. # 43) is **GRANTED**, and this case is **DISMISSED**. Defendants' Motion to Strike Plaintiff's Sur-Reply and Plaintiff's Response (Docs. # 56, 57) and Plaintiff's motion for leave to file (Doc.# 63) are now **MOOT**.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
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**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

July 24, 2012  
Florence, South Carolina